

FAX TRANSMISSION**RECEIVED
CENTRAL FAX CENTER****NOV 17 2005**DATE: 11/17/2005CLIENT NO.: .

MESSAGE TO: _____

COMPANY: _____

FAX NUMBER: 15712738300

PHONE: _____

FROM: Cruz, Haydee

PHONE: _____

PAGES (Including Cover Sheet): 10**MESSAGE:**

If your receipt of this transmission is in error, please notify this firm immediately by collect call to our Facsimile Department at 212-835-1454, and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated

1177 Avenue of the Americas New York, New York 10036-2714 Tel 212-835-1400 Fax 212-997-9880

RECEIVED
CENTRAL FAX CENTER

NOV 17 2005

FAX TRANSMISSION**DATE:** November 17, 2005**PTO IDENTIFIER:** Application Number 10/038,545-Conf. #7121
Patent Number**Inventor:** Katsumi Tomioka**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

Hua Gao

PHONE: (212) 835-1487**Attorney Dkt. #:** H1139.0107**PAGES (Including Cover Sheet):** 8**CONTENTS:** Amendment in Response to Non-Final Office Action

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (212) 835-1487 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

1177 Avenue of the Americas, 41st Floor, New York, New York 10036-2714

Telephone: (212) 835-1400 Facsimile: (212) 997-9880

By Facsimile: 571-273-8300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Katsumi Tomioka

RECEIVED
CENTRAL FAX CENTER
NOV 17 2005

Application No.: 10/038,545

Confirmation No.: 7121

Filed: October 24, 2001

Art Unit: 2633

For: OPTICAL SUBSCRIBER SYSTEM AND
TRANSMISSION LINE DISTANCE
MONITORING METHOD

Examiner: D. J. LEE

Attorney Docket: H1139.0107

AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Office Action dated September 21, 2005, please enter the following remarks in the above-identified U.S. patent application:

Amendment to the Claims begins on page 3 of this paper.

Remarks/Arguments begin on page 6 of this paper.

Certificate of Facsimile Transmission

I hereby certify that this correspondence is being faxed to the Commissioner for Patents of United States Patent and Trademark Office at the facsimile number (571) 273-8300 on the date shown below.

Dated: November 17, 2005Signature: 

Hua Gao

DOCSNY.166141.2

Application No.: 10/038,545Docket No.: H1139.0107**FEE CALCULATION**

Any additional fee required has been calculated as follows:

☐ If checked, Small Entity status is claimed.

	No. of Claims After Amendment		Highest No. Previously Paid For		Extra Present		Rate	Additional Fee
Total	12	MINUS	20**	=	0	x		\$0.00
Indep.	2	MINUS	3**	=	0	x		\$0.00
First presentation of multiple dependent claim(s)						x		\$
TOTAL:								\$0.00

* not less than 20

** not less than 3

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-2215.

CONTINGENT EXTENSION REQUEST

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 50-2215.